

Application No.: 09/806,304
Examiner: E. Garcia
Art Unit: 3679

In the Drawings

A REPLACEMENT SHEET for changes made to the drawing figure of page one is submitted herewith.

In the Claims

The claims are amended as shown on the following pages under the heading AMENDMENT TO THE CLAIMS. The list shows the status of all claims presently in the application and is intended to supersede all prior versions of the claims in the application. Any cancellation of claims is made without prejudice or disclaimer.

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. In the specification

A. Entry of substitute specification

Reconsideration of the entry of the substitute specification is respectfully requested on the basis that a marked up copy showing the changes made has been filed.

The substitute specification filed on January 31, 2003 included a marked up copy showing the changes made as required by 37 C.F.R. §1.125(c). Included herewith for review is a photocopy of the verified postcard receipt showing that a marked up copy of the substitute specification was indeed filed on January 31, 2003.

Further, the Office action dated October 27, 2004 indicates on page 2, paragraph 3, that all requirements for filing a substitute specification have been met, and that the substitute specification filed on January 31, 2003 has been entered.

Therefore, acknowledgement of the entry of the substitute specification filed on January 31, 2003 is respectfully requested in the next Office communication.

B. Objection to specification

Reconsideration of the objections to the specification for not providing antecedent basis for claim 53 is respectfully requested on the basis that claim 53 is canceled, rendering the objection moot.

Therefore, removal of this objection is respectfully requested.

2. In the drawings

Reconsideration of the drawing objections is respectfully requested on the basis that the filling compound of claim 61 is shown in Fig. 1 of the concurrently filed REPLACEMENT SHEET, and the concave language has been canceled from claim 59.

Figure 1 is presently amended in the REPLACEMENT SHEET of page 1 of the drawings. Specifically, the channels 9 and 10 are shown filled with a synthetic or plastic material via the appropriate cross-hatching as shown in MPEP §608.02 (IX). It is respectfully submitted that no new subject matter is introduced since a description of a synthetic filling material filling the channels is described in the specification as originally filed at least on page 2, lines 26-33 and page 20, lines 4-13. These descriptions can also be found in the substitute specification filed on January 31, 2003 at least on page 2, fourth paragraph and page 15, fifth paragraph.

Accordingly, removal of this drawing objection and acceptance of the REPLACEMENT SHEET is respectfully requested in the next Office communication.

3. In the claims

As shown in the foregoing AMENDMENT TO THE CLAIMS, the claims have been amended to more clearly point out the subject matter for which protection is sought.

A. Claim amendments

Claim 39 is amended to recite that the lip projections have specific characteristics “while in a pressed-in configuration” and that the free end of the lip is situated behind a central axis of “the second leg of the insert part.” It is respectfully submitted that no new matter is added since support for the amendments is clearly found at least in Figs. 1, 3, 4, and 7 of the pending application.

Claim 53 is canceled without prejudice or disclaimer.

Claim 56 is amended to correct minor informalities pointed out in the Office action. No new matter is added since the changes merely correct minor informalities.

Claim 59 is amended to recite that the lip projections are made by “pressing in the upset material” parts, and to clarify that each insert part has at least one notch and that the notches can have either a triangular shape “or” a shape of a predominately right-angle triangle. Claim 59 is further amended to clarify that the notches are defined by the “first” and “second” sides that form the two sides of the notch adjacent

to the hypotenuse of the triangle shape of the notch. Claim 59 is further amended to cancel the “concave” language from the claim. It is respectfully submitted that no new matter is added since support for the amendments is clearly found in Figs. 1, 3, 4, and 7 of the pending application.

Claims 60 and 62 are amended to recite the “wall” of the attachment channel instead of the surface, as recommended in the Office action. No new matter is added, since these amendments merely correct minor informalities.

Claims 36, 54, 55, 57, 61, and 63-65 are left unchanged.

Entry of the AMENDMENT TO THE CLAIMS is respectfully requested in the next Office communication.

B. Claim objections

Reconsideration and removal of the claim objections is respectfully requested on the basis of the following particulars.

Regarding claim 39, the claim correctly recites that the third leg longitudinal axis is canted inwardly towards the inner wall of the attachment channel, as shown at least in Fig. 1 by the angle of the third leg 29. The inward canting of the third leg and the lip projection provides a mechanism to prevent removal of the insert piece.

Regarding claim 56, as discussed above, claim 56 is amended to comply with the observations in the last Office action.

Regarding claim 59, as discussed above, claim 59 is amended to recite first and second sides to provide clarity.

Regarding claim 62, as discussed above, claim 62 is amended to recite a wall instead of a surface.

On the basis of this discussion and these changes, removal of this objection is respectfully requested.

C. Rejection of claims 56, 57, 59, 60, and 62-65 under 35 U.S.C. § 112, first paragraph

Reconsideration of this rejection is respectfully requested on the basis of the following particulars.

Regarding claim 56, support is found in the specification as originally filed for the insert parts including resilient elements comprising the first leg and a connecting leg situated in an extension of the first leg connecting the end portion with the connecting end of the insert part; the end portion and resilient element arranged so that the end portion places the resilient member in tension when inserted in to the respective channel.

Specific reference is made at least to Figure 1 and the discussion of the infeed (insert) parts that are joined at their ends with an oblique part to create a tension force in the infeed (insert) part when placed within the mould (side member) ends. This discussion can be found at least on page 4, lines 15-20 and page 13, line 30 through page 14, line 27 of the originally filed specification. These features can also be found in the substitute specification filed on January 31, 2003 at least on page 3, second hyphenated paragraph and page 11, first full paragraph.

Regarding claim 59, there is support in the specification as originally filed for the notch to have either a triangular shape or a right-angle triangle shape. Specific reference is made at least to Fig. 4 and page 8, lines 20-21 and page 9, lines 7-13 of the originally filed specification, where reference is made to the notches having either a triangular shape or a right triangle shape.

This notch is defined between the surface 19 of the stop element 23 and the edge of the second leg of the insert piece, as best shown in Fig. 4. A triangular shape is formed by the space defined by an imaginary extension of the surface of the second leg and the recessed surface 19 of the stop part 23. These features can also be found in the substitute specification filed January 31, 2003 at least on page 7, the first and second hyphenated paragraphs.

Regarding claim 60, there is support in the specification as originally filed for the insert part to have at least one locking element having at least one notch disposed along a surface thereof and arranged to abut a locking means defined along an outer wall of the attachment channels. Specific reference is made to the stop part 23 having a surface 19 abutting the lips 13, as described in the specification as originally filed at least on page 10, line 21 through page 11, line 7.

As previously discussed a notch in the shape of a triangle is formed between the stop part and the second leg of the insert piece. These features can also be found in the substitute specification filed January 31, 2003 at least on page 8, hyphenated paragraphs 4 and 6.

The remaining claims depend from claim 56.

Because one having ordinary skill in the art of corner joints would understand that the inventor had possession of the claimed embodiments at the time the application was filed, a rejection under 35 U.S.C. § 112, first paragraph cannot be maintained.

Accordingly, withdrawal of this rejection is respectfully requested.

D. Rejection of claims 36, 39, 54-57, and 59-65 under 35 U.S.C. § 112, second paragraph

Reconsideration of this rejection is respectfully requested, in view of the discussion below and in view of the amendments to claims 39 and 59.

Regarding claims 36, 53-56 and 59, the rejection appears to be confusing breadth of scope with indefiniteness. The language in claims 36, 53-56 and 59 “configured to be received by the mitered end portions” refers to the entire insert part. This particular claim language is broad enough to cover any configuration of the entire insert that allows the insert to be received within the mitered end portions. However, simply because claim language may be broad, that breadth does not automatically equal indefiniteness.

The rejection states that it is unclear what configuration would allow the insert parts to be received within the mitered end portions. The answer is simply that any configuration that would allow the insert parts to be received within the mitered end portions would qualify.

This is not indefiniteness, but simply broadness. It is clear to one having ordinary skill in the art of corner joints that *any* configuration allowing the insert parts to be received within the mitered end portions would be covered by this claim language. Thus, the claim language is definite.

The rejection further states that the language “configured in the shape of a triangle” is redundant or a double inclusion with the language “configured to be received by the mitered end portions.” However, as previously discussed, the language “configured to be received by the mitered end portions” refers to the *entire* insert part, while the language “configured in the shape of a triangle” refers *only* to an end portion of the insert parts.

Because the triangle shape is merely on the end portion of the insert, this represents a limitation on the breadth of the language “configured to be received by the mitered end portions.” Thus, there is no redundancy or double inclusion, since the triangle shape language simply further limits the configured to be received language. Therefore, the language “configured in the shape of a triangle” is definite.

Regarding claim 39, as discussed above claim 39 is amended to recite that the lip projections have particular characteristics “while in a pressed-in configuration” and that the free end of the lip projection is situated behind the central axis of the second leg of the insert part. Therefore, any indefiniteness with respect to claim 39 is removed by these clarifying amendments.

Regarding claim 59, as discussed above claim 59 is amended to clarify that each insert part has at least one notch. This language is consistent with the corner piece having notches defined thereon. The amendment to claim 59 also clarifies that the notches can have either a triangular shape *or* the shape of a predominately right-angle triangle.

Regarding the lip projections of claim 59, as amended claim 59 requires lip projections that are defined by upset material parts which are pressed in from the side members to cooperate with the notches. This is not a double inclusion, as the lip projections do not exist until the upset material part is pushed in from the side members, as shown in Fig. 7.

It is respectfully submitted that the above explanations and amendments are sufficient to overcome the rejection of the claims under 35 U.S.C. 112, second paragraph, therefore withdrawal of this rejection is respectfully requested.

4. Rejection of claim 53 under 35 U.S.C. § 102(b) as being anticipated by European publication EP 0 549 554 (Ronnlund)

This rejection is rendered moot by the cancellation of claim 53.

Accordingly, withdrawal of this rejection is respectfully requested.

5. Allowable subject matter

The applicant gratefully acknowledges the indication of allowable subject matter in claims 36, 39, 54-57 and 59-65. It is respectfully submitted that this amendment addresses all of the objections and rejections of the last Office action and places all of the claims in condition for allowance.

6. Conclusion

As a result of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,



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